

REMARKS

As of the 12 January 2007 non-final *Office Action*, Claims 1-4, 6-10, and 13-24 are pending in the Application. In the *Office Action*, the Examiner rejects all pending claims. Applicant thanks the Examiner with appreciation for the careful consideration and examination given to the Application. No new matter is believed introduced in this submission.

Applicant submits this response solely to facilitate prosecution and Applicant reserves the right to present new or additional claims in this Application that have similar or broader scope as originally filed. Applicant also reserves the right to present additional claims in a later-filed continuation application that have similar or broader scope as originally filed. Accordingly, any amendment, argument, or claim cancellation presented during prosecution is not to be construed as abandonment or disclaimer of subject matter.

After entry of this Response, Claims 1-4, 6-10, and 13-24 are pending in the Application. Applicant respectfully asserts that the pending claims are in condition for allowance over the references of record and respectfully requests reconsideration of the claims in light of this submission. Applicant, accordingly, believes that the Application is allowable for the following reasons.

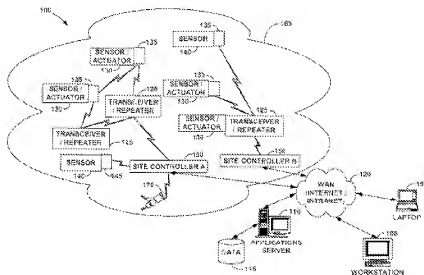
I. Claim Objections Are Overcome

The Examiner objects certain claims due to certain minor informalities. The Examiner also suggests certain claim changes to these claims, and Applicant thanks the Examiner such suggested changes. In response, Applicant amends these claims as suggested by the Examiner. Accordingly, withdrawal of the objection to these claims is respectfully requested.

II. Applicant's Pending Claims Are Allowable

As the Examiner will recall, Applicant's invention is generally directed to systems and methods for enabling a mobile user to notify an automated monitoring system of an emergency situation. In some embodiments, and as illustrated below in Applicant's FIG. 1, Applicant's invention advantageously comprises systems enabling a mobile user to notify an automated monitoring system of an emergency situation. In addition, the automated monitoring system can monitor and control a plurality of remote devices as the remote devices are in substantially constant communication with the automated monitoring system. Certain embodiments can also

comprise a site controller to communicate with a plurality of remote devices via transceivers. As illustrated below, the transceivers can define a wireless communication network and can enable communication with a host computer via a wide area network.



Applicant's currently pending claims recite several of the above-described advantageous features and others that the applied references fail to teach or fairly suggest. As an example, Applicant's claim that a site controller may identify the mobile communication device and notify the host computer of the transmit message (*See* Claims 1, 13, and 22 for exact language). As another example, Applicant's claimed invention is in communication with a communications network and does not rely on a "dial-up" procedure which is not always in communication. In light of these differences, the cited references of record fail to teach or suggest Applicant's claimed advantageous communication features as discussed in greater detail below.

III. Applicant's Pending Claims Are Allowable Pursuant To 35 USC § 103(a)

The Examiner rejects pending Claims Claims 1-4, 6-10, and 13-24 under 35 U.S.C. § 103(a). More specifically, the Examiner rejects the pending claims due to a combination of *Sheffer* (USPN 5,568,535) and *Crager* (USPN 4,058,672). Applicant respectfully traverses the § 103(a) rejection and asserts that the pending claims are allowable over the *Sheffer-Crager* combination for at least several reasons.

First, the cited combination (and in particular *Sheffer*) fails to teach or suggest that a site controller can identify the mobile communication device and notify the host computer of the transmit message as claimed by Applicant. When discussing this claimed feature, the Examiner appears to assert that *Sheffer's* teaching of its “cell cite” teaches the feature Applicant claims. *Sheffer's* discussion of its cell cite, however, provides evidence to the contrary. Indeed, *Sheffer* describes the “cell cite” as a mere site that simply forwards a signal to another component. (See, e.g., *Sheffer*, Col. 3, Lines 49-52). As such, *Sheffer's* “cell cite” is nothing more than a relay station that does not identify the mobile communication device and does not notify the host computer of the transmit message as claimed by Applicant. Applicant's claimed feature is advantageous over *Sheffer* because Applicant's “site controller” has certain “smart” feature capabilities that *Sheffer's* cell cite does not possess. (See, e.g., Paragraphs 28 and 43-46 of Applicant's *Specification* as published in USPGPUB 20020012323). In short, *Sheffer's* “cell cite” teaching does not teach or fairly suggest Applicant's claimed feature of a site controller that can identify the mobile communication device and notify the host computer of the transmit message. *Crager* does not cure this deficiency.

Second, the cited combination (and in particular *Sheffer*) fails to teach or suggest a plurality of transceivers defining a wireless communication network and *in communication* with a host computer via a wide area network as Applicant claims. As discussed throughout Applicant's *Specification*, Applicant's invention uses numerous low-power RF transmitters that in essence are always in contact with each other. Such advantageous features enables components of Applicant's invention to always be substantially “in communication” with each other. In stark contrast, *Sheffer* uses a “dial-up” procedure to contact with “the central monitoring station.” (*Sheffer*, Col. 7, Lines 13-30). *Sheffer's* dial-up procedure provides evidence that its “mobile unit” is not “in communication” but rather connected at random times. Applicant's claimed invention is advantageous because the problems associated with “dial-up” procedures are eliminated as Applicant's system's components are always substantially “in communication” with each other via an available communication link. Further, Applicant's claimed invention is advantageous because valuable time after occurrence of an emergency is not potentially wasted by *Sheffer's* teaching to “continuously [repeat the dial-up procedure] until a connection is established” since such a procedure is entirely avoided. (*Sheffer*, Col. 7, Lines 25-31). *Crager* also fails to cure this deficiency.

Finally, there are still yet other reasons why Applicant's claimed invention is patentable over the cited combination. As MPEP § 2143 provides, a *prima facie* case of obviousness requires three findings. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Lastly, the prior art references, when combined, must teach or suggest all the claim limitations as a whole as required by 35 U.S.C. § 103. See MPEP § 2142 & § 2143.

Applicant respectfully submits that the cited combination teaches away from Applicant's claimed invention and thus can not substantiate the § 103 rejection. Indeed, *Sheffer* discloses transmitting an "alarm data packet" from a cellular alarm unit using a dial-up procedure and modem technology. (*Sheffer*, Col. 7, Lines 15-31). In contrast, Applicant's claimed invention utilizes low-power Radio Frequency transmitters. As discussed in Paragraph 24, this is advantageous over *Sheffer* because Applicant's system is flexible yet effective.

Also, *Sheffer's* dial-up procedure with interment communication evidences that *Sheffer's* mobile unit is not always "in communication" with a site controller. Rather, *Sheffer* uses this procedure out of necessity due to the limitations of *Sheffer's* cellular network and inability to have an always available communication link. In addition, *Sheffer's* dial up procedures are not as quick as Applicant's claimed invention and can also lead to disaster given problem discussed by *Sheffer* if call is not completed. Applicant's claimed invention does not face this same problem, and as such, is patentable over the *Sheffer-Crager* combination.

Moreover, the alleged motivation to combine *Sheffer* and *Crager* appears not to come from any reference, the nature of the problem to be solved, or the knowledge of persons of ordinary skill in the art. Rather, the alleged motivation to combine *Sheffer* and *Crager* appears to result from impermissible hindsight or an obvious to try rationale, both of which are not permitted. See MPEP § 2145, Section X (A & B). The Examiner also provides no reasonable expectation of success that Applicant's claimed invention would result from the *Sheffer-Crager* combination or that the references themselves provide such reasonable expectation of success. This element of a *prima facie* case of obviousness is expressly required by MPEP § 2143.02.

Accordingly, for at least the above reasons, Applicant respectfully asserts that the pending claims are patentable over the *Sheffer-Crager* combination. Applicant specifically asserts that the combination of *Sheffer* and *Crager* fail to support a *prima facie* case of

obviousness and fail to satisfy the requirements of § 103(a). Accordingly, Applicant believes that all pending claims are allowable. Withdrawal of the § 103 rejection is, thus, respectfully requested.

IV. Applicant's Previous Terminal Disclaimer Submission

In Applicant's previous Response, Applicant submitted a terminal disclaimer to overcome a provisional double-patenting rejection. While it appears that the terminal disclaimer was entered, the Office Action does not mention the terminal disclaimer. Applicant, thus, respectfully requests the Examiner to indicate in the next Office Action whether the terminal disclaimer was entered in this Application.

V. Notice of Entity Status Change

In accordance with MPEP § 509.03, the current owner of this application notifies the United States Patent and Trademark Office that this application no longer qualifies for small entity status. Accordingly, pursuant to 37 C.F.R. § 1.27(g)(2), it is respectfully requested that small entity status be withdrawn for this application.

In further accordance with MPEP § 509.03, Applicant respectfully asserts that it can continue paying small entity fees in this application as stated in 37 C.F.R. § 1.27(g)(1). Indeed, this USPTO regulation states: "Once status as a small entity has been established in an application or patent, *fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due.*" 37 C.F.R. § 1.27(g)(1) (emphasis added); *see also Daimlerchrysler AG v. Feuling Advanced Techs., Inc.*, 276 F. Supp. 2d 1054, 1060-61 (S.D. Cal. 2003). In adherence to and depending upon this USPTO regulation, Applicant will continue to pay small entity fee even though entity status has changed until an issue fee becomes due in this application. *Id*; *see also* MPEP § 509.03 (Section VII. Removal Of Status).

VI. Fees

Applicant believes that no fees are due as no new claims are added and Applicant timely files this Response. While no fees are believed due, authorization to charge Deposit Account No. 20-1507 is given should additional fees be due for full acceptance of this submission.

VII. Conclusion

The foregoing is believed to be a complete response to the *Office Action* mailed 12 January 2007. Applicant respectfully asserts that the pending claims are in condition for allowance and respectfully requests passing of this case in due course of patent office business. If the Examiner believes there are other issues that can be resolved by a telephone interview, or there are any informalities remaining in the application which may be corrected by an Examiner's amendment, a telephone call to Hunter Yancey at (404) 885-3696 is respectfully requested.

Respectfully submitted,

TROUTMAN SANDERS LLP

/jameshuntYanceyjr53809/
James Hunt "Hunter" Yancey, Jr.
USPTO Reg. No. 53,809

TROUTMAN SANDERS LLP
Bank of America Plaza
600 Peachtree Street, N.E., Suite 5200
Atlanta, Georgia 30308-2216
United States
P: 404.885.3696
F: 404.962.6828
E: hunter.yancey@troutmansanders.com

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